



Promoting the wise use of land
Helping build great communities

1-1

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

MEETING DATE January 21, 2005 LOCAL EFFECTIVE DATE February 4, 2005 APPROX FINAL EFFECTIVE DATE February 23, 2005	CONTACT/PHONE Murry Wilson (805) 788-2352	APPLICANT Warren and Constance Lilly	FILE NO. DRC2004-00097
SUBJECT Request by Warren Lilly for a Minor use Permit /Coastal Development Permit to allow the construction/drilling of a new approximately 350-foot water well and connection of the new water well to the existing well equipment. The project will result in the disturbance of approximately 100 square feet of soil on a 4.92-acre parcel. The proposed project is within the Residential Rural land use category and is located at 2225 Clark Valley Road, approximately ¾ mile east of the community of Los Osos. The site is in the Estero planning area.			
RECOMMENDED ACTION Approve Minor Use/Coastal Development Permit DRC2004-00097 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Statutory Exemption [Pub. Res. Code 21080(b)(4) – Emergency Permits] was issued on December 28, 2004 (ED04-287).			
LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION Local Coastal Program, Coastal Appealable Zone	ASSESSOR PARCEL NUMBER 074-225-038	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: <i>Does the project meet applicable Planning Area Standards: N/A</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Program, Coastal Appealable Zone, Setbacks, Water Wells and Impoundments <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

1-2

EXISTING USES: Single family residence, agriculture storage building and greenhouses	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Rural / Church <i>East:</i> Agriculture / Dry crops <i>South:</i> Residential Rural / Residence <i>West:</i> Residential Rural / Residence	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, CDF, Los Osos Community Advisory council, Environmental Health, Mike Wulkan (Community Liaison) and the California Coastal Commission	
TOPOGRAPHY: Nearly level to gently sloping	VEGETATION: Ornamental landscaping, California Peppers, and Willows
PROPOSED SERVICES: Water supply: Well Sewage Disposal: On-site disposal system Fire Protection: CDF	ACCEPTANCE DATE: December 9, 2004

DISCUSSION

PLANNING AREA STANDARDS:

There are no Planning Area Standards applicable to this project.

LAND USE ORDINANCE STANDARDS:

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

SETBACKS:

The setbacks for the proposed project are as follows: Front – 25 feet, Sides – 10% of lot width up to 25 feet, Rear – 30 feet. The project meets the required setback standards.

WATER WELLS AND IMPOUNDMENTS:

Water wells and impoundments that are appealable to the Coastal Commission require approval of a Minor Use Permit. The project was referred to the Public Works / Engineering Division and the department is requesting well monitoring as a condition of approval for this project pursuant to Section 23.08.178b. of the Coastal Zone Land Use Ordinance. The County Engineer shall determine the manner in which the applicant will participate in the monitoring program, including the frequency and type of reporting.

COASTAL PLAN POLICIES:

This project is in compliance with the Coastal Plan Policies; the most relevant policies are discussed below.

Coastal Watersheds:

Policy 1: Preservation of Groundwater Basins: The proposed project is consistent with this policy because the new well will not exceed the previous safe yield from the well that is being replaced. The use is not being expanded with this application.

Policy 2: Water Extractions: The proposed project is consistent with this policy because the applicant will be required to obtain all necessary county and/or state permits.

Planning Department Hearing
Minor Use Permit DRC2004-00097/Lilly
Page 3

Policy 3: Monitoring of Resources: The proposed project is consistent with this policy because the proposed well will be monitored by the County Engineer as a condition of approval.

Policy 8: Timing of new construction: The proposed project is consistent with this policy because if grading is to occur or left unfinished between October 15 through April 15 the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COMMUNITY ADVISORY GROUP COMMENTS: No comment from LOCAC

AGENCY REVIEW:

Public Works – No concerns, monitoring required

CDF – Exempt, no concerns

Coastal Commission – No comments

Staff Report prepared by Murry Wilson and reviewed by Matthew Janssen

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Statutory Exemption pursuant to Pub. Res. Code 21080(b)(4) – Emergency permits because the project is a replacement well for an existing well on the project site.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because guesthouse does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the water well is a replacement well and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Clark Valley Road, and no additional traffic is associated with the project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

EXHIBIT B - CONDITIONS OF APPROVAL

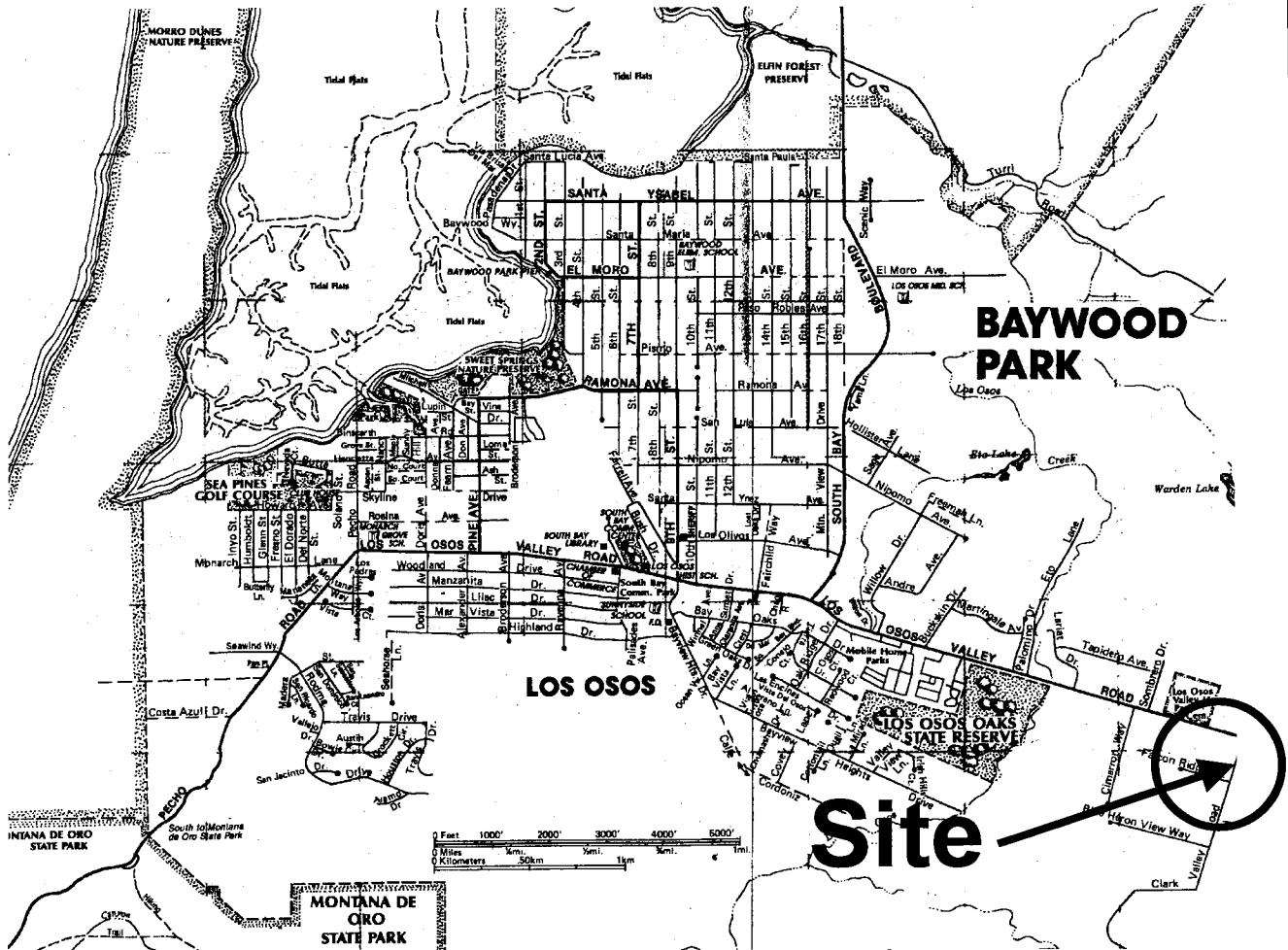
Authorized Use

1. This permit authorizes:
 - a. The construction/drilling of a new approximately 350 foot deep water well.
 - b. Connection of the new water well to existing well equipment.
2. This project shall be consistent with the approved site plan.
3. **Prior to ground breaking activities**, the applicant shall comply with all of the requirements of the County Health Department.
4. **Prior to ground breaking activities**, an erosion control plan shall be prepared in accordance with Section 23.05.036 of the County of San Luis Obispo Coastal Zone Land Use Ordinance. The erosion control plan shall outline methods that shall be implemented to control erosion from well drilling activities on the site, including but not limited to:
 - a. Placing sandbags (or other erosion control devices) where appropriate along the perimeter of the drilling area prior to initial site disturbance.
 - b. Minimizing the length of time that soils lie exposed.
 - c. Re-vegetating disturbed areas in a manner approved by the County Department of Planning and Building.
 - d. Sediment and erosion control measures shall be implemented during project construction in accordance with Section 23.05.036 (d) of the County Coastal Zone Land Use Ordinance. These measures include slope surface stabilization and erosion and sedimentation control devices.
5. **Prior to ground breaking activities**, the applicant shall verify with the Department of Planning and Building that condition #2 and #3 above have been met.
6. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - a. Construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

7. Construction activities for the proposed project shall be limited to the hours between 7 am and 9 pm Monday to Friday and 8 am to 5 pm Saturday to Sunday in accordance with Section 23.06.042 of the Coastal Zone Land Use Ordinance.
8. **Within 90 days of Land Use Permit approval**, the applicant shall consult with the County Engineer to determine the manner in which the applicant shall participate in the well monitoring program, including the frequency and type of reporting.
9. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050. This permit is generally considered to be vested once a building permit has been issued and substantial site work has been completed. Substantial site work is defined (Section 23.02.042) as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade ('sticks in the air').

1-7

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



PROJECT

Minor Use Permit
Lilly/ DRC2004-00097

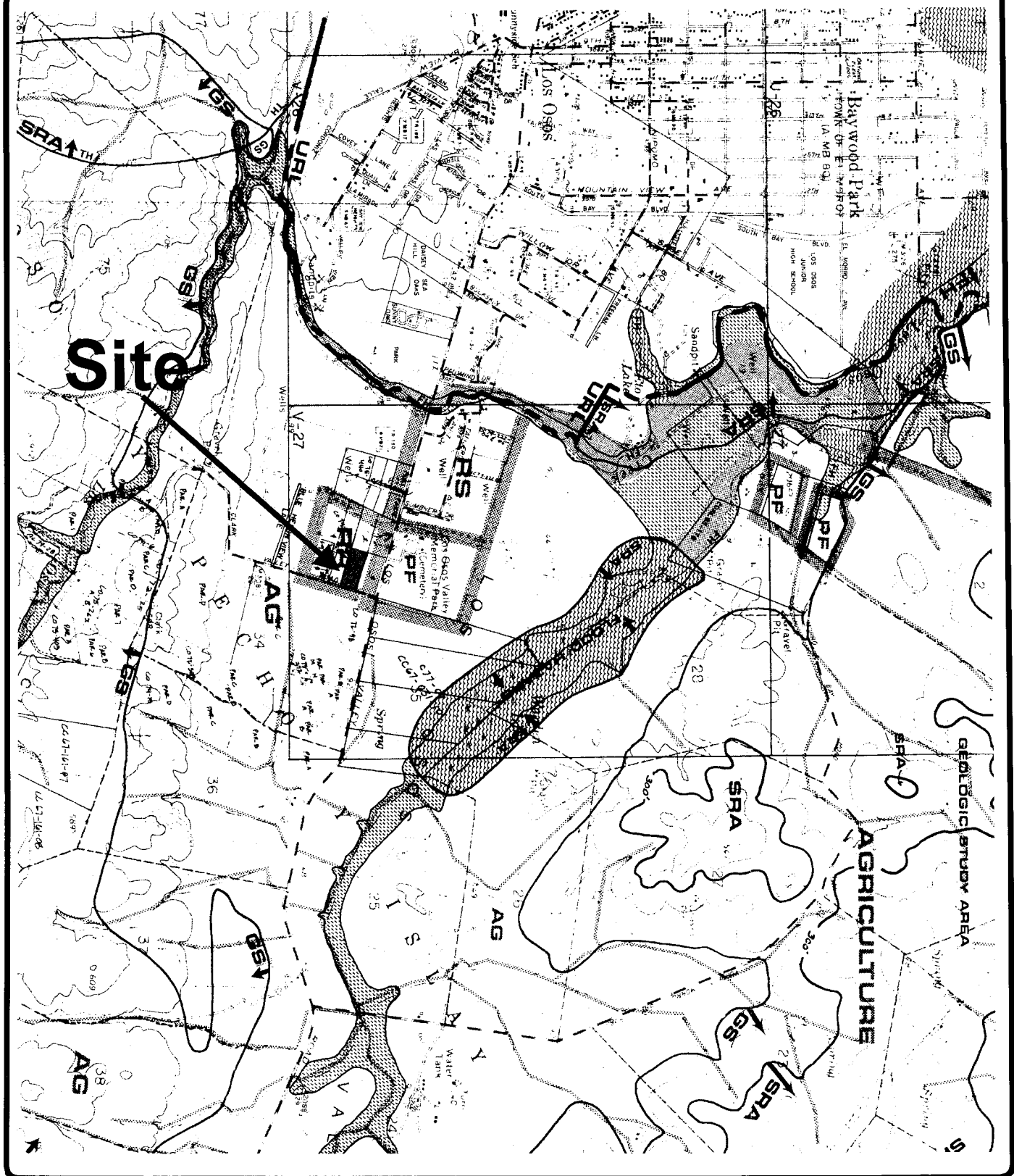


EXHIBIT

Vicinity Map

1-8

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



PROJECT

Minor Use Permit
Lilly/ DRC2004-00097



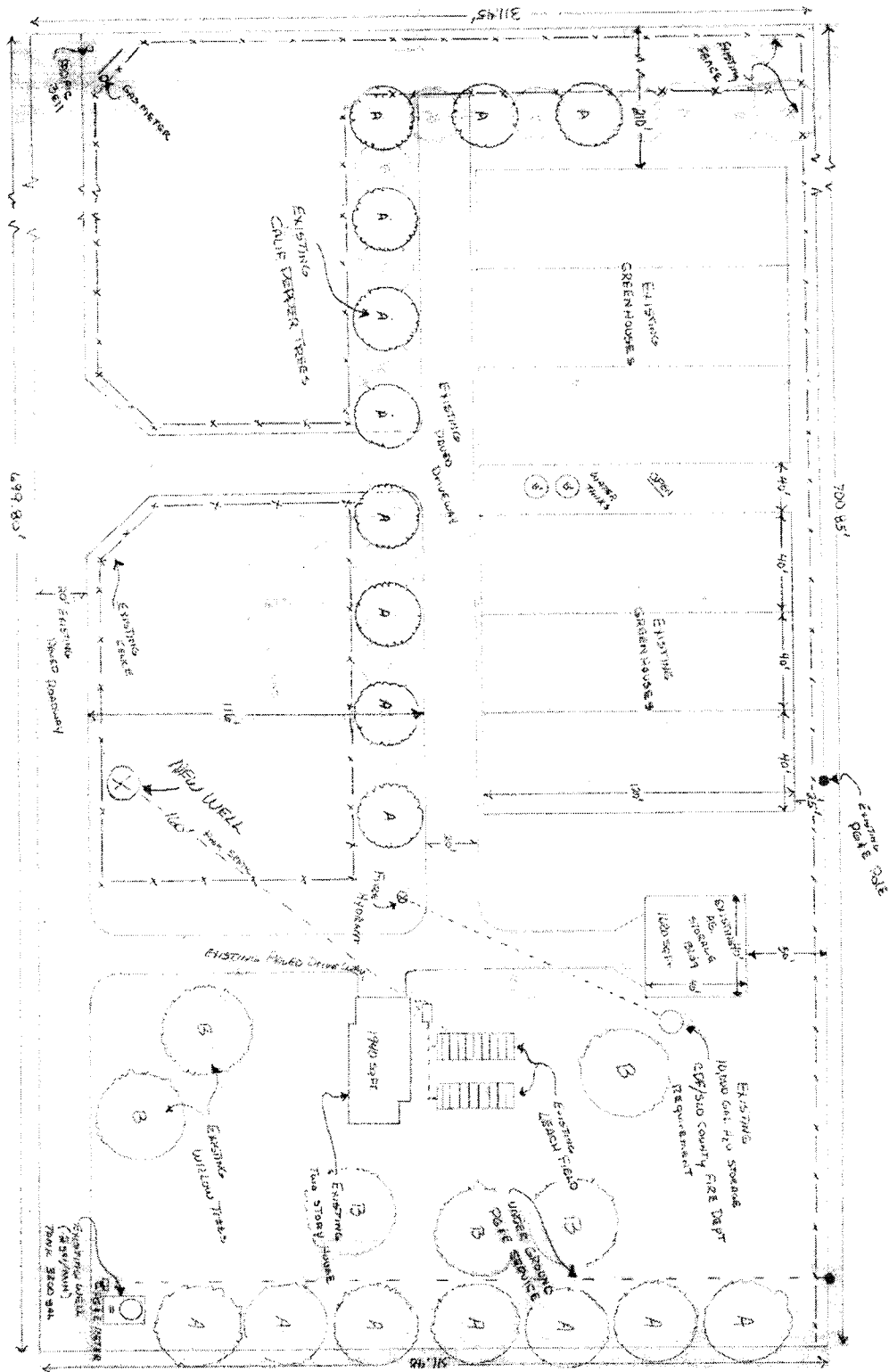
EXHIBIT

Land Use Category Map

1-9

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

CLARK VALLEY ROAD



PROJECT

Minor Use Permit
Lilly/ DRC2004-00097



EXHIBIT

Site Plan

1-10